

Serial No. 10/657,060
Docket No. F05-185919M/MI
NGB.080REI

REMARKS

As a preliminary matter, Applicants' representative would like to thank Primary Examiner, Roger L. Pang, and Special Program Examiner, Randolph Reese, for courtesies extended in the numerous telephonic interviews conducted during the time period from September 19, 2005 to the present date.

In the telephonic interviews, the following was discussed:

A. Identification of claims discussed:

Claims 1-14 and 16-19 would be allowable once a corrected supplemental oath/declaration under 37 C.F.R. § 1.175(b)(1) has been submitted.

A corrected supplemental oath/declaration under 37 C.F.R. § 1.175(b)(1) was filed on August 1, 2005.

B. Identification of prior art discussed:

None.

C. Identification of principal proposed amendments:

None.

D. Brief Identification of principal arguments:

A Second Amendment After-final under 37 C.F.R. § 1.116, a corrected supplemental oath/declaration under 37 C.F.R. § 1.175(b)(1), and a Statement of Substance of Interview, was filed on August 1, 2005, thereby overcoming the rejection

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under 35 U.S.C. § 251 and placing all of the pending claims (i.e., allowable claims 1-14 and 16-19) in condition for immediate allowance.

In the numerous telephone interviews and voice messages, Applicant's representative inquired about the status of the Notice of Allowance in this case.

While numerous voice messages were directed to Primary Examiner, Roger L. Pang, and Special Program Examiner, Randolph Reese, from Applicant's representative, and vice versa, Applicant merely summarizes the telephonic interviews/conferences below.

E. Results of the Several Telephonic Interviews:

In a telephone interview conducted on September 26, 2005, Examiner Pang stated that he approved the Notice of Allowance in the above Reissue Application and that the Notice of Allowance was now being reviewed by Special Program Examiner, Randolph Reese. Examiner Pang suggested that Applicant's representative contact Examiner Reese to confirm the status of the Notice of Allowance.

In a telephone interview conducted on September 29, 2005, Special Program Examiner, Randolph Reese, stated that the Notice of Allowance in the present Reissue Application would be reviewed in due course, in the order in which it was received.

In a telephone interview conducted on September 30, 2005, Special Program Examiner, Randolph Reese, confirmed that the Notice of Allowance issued by Examiner Pang was internally "counted" by the Patent Office on August 17, 2005, in the PALM system. However, the USPTO PAIR system did not show the Notice of Allowance being counted.

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Examiner Reese stated that the expiration of the six (6) month statutory period had been tolled (i.e., stopped) by the counting of the Notice of Allowance in the USPTO PALM system. Therefore, Examiner Reese stated that no further response from Applicant was necessary to maintain the pendency of the present application.

Applicant's Representative noted that a Notice of Appeal and a Petition for a three-month Extension of Time would be filed merely to ensure that the pendency of the present application was maintained until such time as the Notice of Allowance would be issued. Applicant filed a Notice of Appeal and Petition for a three-month Extension of Time on September 30, 2005.

Because the Examiner stated that the Notice of Allowance would be issued, Applicant detrimentally relied on the Examiners' statements and did not file an Appeal Brief. However, the Notice of Allowance was not issued.

In a telephone interview conducted on December 7, 2005, Special Program Examiner, Randolph Reese, stated that the Notice of Allowance would be reviewed and issued by the end of January 2006. Applicant again detrimentally relied on the Examiners' statements and did not file an Appeal Brief. However, the Notice of Allowance was not issued.

In a telephone interview conducted on January 19, 2006, Special Program Examiner, Randolph Reese, stated that more support staff had been hired to process the current "backlog" of Notice of Allowances. Special Program Examiner, Randolph Reese, also stated that only three (3) or four (4) other Notice of Allowances were in line to be reviewed prior to the Notice of Allowance for the present Reissue Application (i.e., the present Reissue Application was approximately fourth or fifth in line to be reviewed). Examiner Reese suggested that Applicant's Representative contact him in mid-February.

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2006, at which time the Examiner would have more information regarding the expected issue date of the Notice of Allowance in the present Reissue Application. Examiner Reese stated that the Notice of Allowance for the present Reissue Application likely would be reviewed and issued by the end of February 2006. Applicant again detrimentally relied on the Examiners' statements and did not file an Appeal Brief. However, the Notice of Allowance was not issued.

Applicant's Representative attempted to contact Special Program Examiner, Randolph Reese, on February 13, 2006 and March 1, 2006, to again check the status of the Notice of Allowance in this Reissue Application, but has not received a reply.

F. Conclusion:

In view of the foregoing, Applicant submits that allowable claims 1-14 and 16-19, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.


Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. §1.136. The Commissioner is hereby authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,

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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Statement of Substance of Telephonic Interviews to Examiner Roger L. Pang, Art Unit 3681, and Randolph Reese, Special Program Examiner on March 3, 2006.


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